

UNITED STATES OF AMERICA,	}	Case No. 15CR7170-H
Plaintiff,		
v.		ORDER REGARDING
FREDDIE LOPEZ,		DEFENDANT’S LETTER
Defendant.		

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1 Although the Court re-imposed a term of supervised release that is set to expire
 2 on August 31, 2019 (Doc. No 32), on December 17, 2018 the Court issued a warrant
 3 for the Defendant's arrest based on U.S. Probation's petition alleging multiple
 4 violations of supervised release (Doc. Nos. 34 and 35).

5 "After the period of supervised release has expired, however, the district court
 6 can revoke the term of supervised release only if a warrant based on sworn facts was
 7 issued within the supervised release period." United States v. Murguia-Oliveros, 421
 8 F.3d 951, 953 (9th Cir. 2005); see also 18 U.S.C. § 3583(i)² and 18 U.S.C. § 3624(e)³.
 9 Furthermore, a defendant's term of supervised release is tolled when he is in "fugitive
 10 status." United States v. Watson, 633 F.3d 929, 931 (9th Cir. 2011) (citing United States
 11 v. Crane, 979 F.2d 687, 691 (9th Cir.1992)). A defendant is in fugitive status when he
 12 fails to comply with the terms of his supervised release. Id. (citing Murguia-Oliveros at
 13 953). Additionally, "[a] person on supervised release should not receive credit against
 14 his period of supervised release for time that, by virtue of his own wrongful act, he was
 15 not in fact observing the terms of his supervised release." Murguia-Oliveros at 954.

16 In this case, the Court issued an arrest warrant prior to the date the Defendant's
 17 supervised release was set to expire. (Doc. No. 35). Furthermore, it is evident that the
 18 Defendant has failed to comply with the terms of his supervised release as indicated
 19 both in the Probation Officer's petition to revoke supervised release and in the
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21 ² 18 U.S.C. § 3583(i) provides:

22 Delayed revocation.--The power of the court to revoke a term of supervised
 23 release for violation of a condition of supervised release, and to order the
 24 defendant to serve a term of imprisonment and, subject to the limitations in
 25 subsection (h), a further term of supervised release, extends beyond the
 26 expiration of the term of supervised release for any period reasonably necessary
 for the adjudication of matters arising before its expiration if, before its
 expiration, a warrant or summons has been issued on the basis of an allegation
 of such a violation.

27 ³ 18 U.S.C. § 3624(e) provides in pertinent part that:


28 A term of supervised release does not run during any period in which the person
 is imprisoned in connection with a conviction for a Federal, State, or local crime
 unless the imprisonment is for a period of less than 30 consecutive days.

1 Defendant's own letter to the Court. (Doc. Nos. 34 and 38.) Accordingly, the Court
2 declines to take action on the Defendant's letter and will address any further arguments
3 at the appropriate time when the Defendant is transferred to federal custody to answer
4 the alleged violations of the terms and conditions of his supervised release.

5 The Clerk is directed to send a copy of this order to the Defendant.

6 IT IS SO ORDERED.

7 DATED: February 5, 2020

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HONORABLE MARILYN L. HUFF
UNITED STATES DISTRICT JUDGE